

AO 91 (Rev. 11/11) Criminal Complaint

United States Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC 19 2015

David J. Bradley, Clerk of Court

United States of America

v.

EMMANUEL TOLUWALEKE OMOWAIYE

Case No.

H15-1732M

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2014 - December 2015 in the county of Ft. Bend in the  
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC Sec. 1341

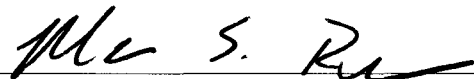
Mail Fraud (affecting a financial institution)

18 USC Sec. 1349

Conspiracy to Commit Mail, Wire, and Bank Fraud

This criminal complaint is based on these facts:

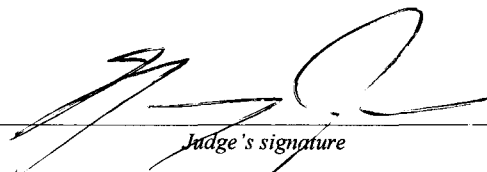
See attached Affidavit of US Postal Inspector Matthew S. Boyden

☒ Continued on the attached sheet.*Complainant's signature*

US Postal Inspector Matthew Boyden

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 12/19/2015City and state: Houston, Texas*Judge's signature*

US Magistrate Judge Nancy Johnson

*Printed name and title*

## **AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

1. Affiant, United States Postal Inspector Matthew S. Boyden, has been employed by the U.S. Postal Inspection Service since January 2000. Affiant is currently assigned to the Major Fraud team in Houston, Texas. Prior to that, Affiant served as a lieutenant of police for a municipal police department in Texas. Affiant has served in the U.S. Air Force as a Law Enforcement Specialist and criminal investigator for the Air Force Office of Special Investigations. Affiant has received specialized training in numerous Postal crimes, but primarily those involving “identity theft” and mail fraud related offenses. Affiant has attended training in the areas of check fraud, credit card fraud, and identity takeover schemes. Affiant has investigated hundreds of cases involving fraud, identity theft, and related “white collar” types of offenses. Affiant is authorized to obtain and execute Federal Arrest and Search Warrants. This Affidavit is made in support of a criminal complaint filed against Nigerian National **EMMANUEL TOLUWALEKE OMOWAIYE**.
2. The information set forth in this Affidavit is based upon your Affiant’s personal knowledge and/or information provided to Affiant by other law enforcement agents and officers, witnesses, bank investigators, and cooperating individuals Affiant believes to be reliable and credible. Because this Affidavit is being submitted for the limited purpose of supporting a criminal complaint, Affiant has not included each and every fact concerning this investigation. Affiant has set forth only the facts believed to establish probable cause that **EMMANUEL OLUWALEKE OMOWAIYE** has committed violations of federal law.

## **SCHEME OVERVIEW**

3. As early as about January 2014, and continuing through at least December 18<sup>th</sup>, 2015, **EMMANUEL OLUWALEKE OMOWAIYE**, his brother Stephen Omowaiye, friend Olalekan John Ajirofutu, and others, have been operating an illegal scheme(s) within the Southern District of Texas and elsewhere. Stephen Omowaiye was identified as the scheme leader and organizer in the United States. One of the illegal scheme(s) involves mailing false sweepstakes/lottery fliers along with counterfeit checks from the “Multi-State Lottery Association” and other entities to numerous elderly victims informing them that they have won the “Multi-State” lottery and to call a telephone number on the flier to claim their winnings. The victims are instructed to deposit the counterfeit check into their own bank account and send back a large portion of the proceeds, in cash, which are represented by the fraud participants to be used to cover the “fees” associated with the victim’s winnings. The victims send

the cash, overnight, to an address provided to them either via telephone or in the original mailings. The packages are sent to addresses that are abandoned, vacant or to drop boxes where the fraud participants take custody of the packages. Once the victim is informed by their bank that the check the victim deposited is worthless, the victim is usually unable to stop the delivery of the package containing their cash. Any contact phone numbers for the "lottery" officials that the victim previously called have been disconnected. Large portions of the funds collected domestically are then sent to individuals in Canada. Postal Inspectors have intercepted thousands of lottery letters and counterfeit checks (valued in excess of \$300 Million) in this investigation.

4. The U.S. Postal Inspection has been leading a major investigation in tandem with Canadian authorities to locate, identify, and apprehend the individuals involved in this case. On December 17<sup>th</sup>, 2015, federal authorities in the United States and Canadian authorities executed multiple search and arrest warrants related to this investigation. A federal criminal complaint was obtained for Stephen Omowaiye in the Western District of Texas. Days prior to this enforcement action, both **EMMANUEL OLUWALEKE OMOWAIYE** and Stephen Omowaiye traveled to New York. Both were detained by Affiant at Bush Intercontinental Airport on December 18<sup>th</sup>, 2015 upon returning from New York. **EMMANUEL OLUWALEKE OMOWAIYE** was detained in Houston and his brother Stephen Omowaiye was delivered to the Western District of Texas for proceedings.

#### **PROBABLE CAUSE**

5. The following information Affiant obtained from the Ft. Bend County Sheriff's Office regarding the arrest of Olaekan John Ajirrotutu on December 9<sup>th</sup>, 2015.
6. On December 9, 2015, Ft. Bend County Sheriff's Office Detective Matthew Carl received an e-mail from the Crawford County Sheriff's Office regarding a fraudulent address in Ft. Bend County that was being used to receive the proceeds of a lottery fraud scheme. An elderly victim in their jurisdiction received a letter and check in the mail in regards to winning the lottery. The elderly victim deposited the check in his account, withdrew the funds, and was instructed to send the money to 218 Autumn Creek Lane, Richmond, Fort Bend County, Texas.
7. Det. Carl was aware of an increase in these types of complaints and began investigating. He had received similar complaints from other jurisdictions regarding multiple addresses within Fort Bend County being used to receive victim's cash. Det. Carl received another report that another victim's

money was shipped to 2430 Woven Wood Lane, Richmond, Fort Bend County, Texas. The UPS delivery driver of that package reported it was picked up by a Nigerian black male driving a silver-colored, unknown model SUV.

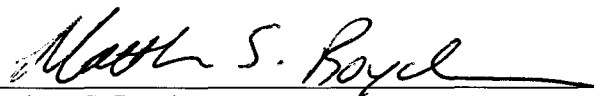
8. On December 9<sup>th</sup>, 2015, Det. Carl went to 218 Autumn Creek Lane, Richmond, Ft. Bend County, Texas and observed an occupied silver SUV bearing TX LP FYM-3452 backed into the driveway of the residence. Det. Carl observed the residence to be for sale and possibly vacant. The vehicle was registered to Olalekan John Ajiroutu, 10522 Beechnut Street # 2021, Houston, Texas 77072. Det. Carl contacted UPS Security Services and requested information on any scheduled package deliveries for the address. UPS confirmed a package from 24832 John J. Williams Hwy., Millsboro, DE 19966 was scheduled for delivery and addressed to "Steve Rivers". Based on this information, Det. Carl requested additional units to assist in the investigation.
9. A short time later Det. Carl observed the UPS vehicle approach the residence and moments later both UPS and the silver SUV left the location. Det. Carl asked a marked unit to establish probable cause for a vehicle stop which they did. The driver and sole occupant was identified as Olalekan Ajiroutu. Det. Carl asked Ajiroutu if he just received a package from UPS and he stated he did. While standing next the vehicle, Det. Carl observed the opened UPS package on the floorboard.
10. Ajirtutu stated he retrieved the UPS package for a co-worker named James Rivers (not the correct name on the package). Ajiroutu stated neither "James Rivers" nor he resided at that residence. Ajiroutu stated he was not required to sign for the package and only had known the friend for a week. He did not know any details regarding the packages contents. Det. Carl obtained verbal consent to search the vehicle. During the consensual search, Det. Carl retrieved another opened UPS package addressed to a Judith Cooley at 10522 Beechnut Street # 2021. The package contained a new American Express credit card in her name. Det. Carl located a card holder on the front passenger seat which a counterfeit Pennsylvania DL in the name of Steven Rivers. The photograph on the Pennsylvania DL did not match Olalekan Ajiroutu (later determined to be Stephen Omowaiye). The counterfeit DL number actually belongs to Thuy Phan Minh. The package that had just been delivered was on the rear floorboard. Ajiroutu stated he was provided the counterfeit license by his friend Steve Rivers in case UPS asked to verify his identification.
11. Det. Carl placed Ajiroutu under arrest and he was transported to their office for processing. Ajiroutu was advised of his Miranda rights which he waived and agreed to answer questions.

Ajirotutu admitted picking up parcels as far back as the time he was employed as a FedEx driver. He identified a person named "Kareem" as the person who he retrieved the parcels for. He admitted using other counterfeit identification documents to retrieve mail and packages from multiple addresses in Ft. Bend and Harris County, Texas. He stated he was paid approximately \$200.00 for each parcel by "Kareem". Ajirotutu also stated he provided his address to "Kareem" so they could mail credit cards there.

12. Det. Carl later spoke with the elderly victim who sent the UPS package from 24832 John J. Williams Hwy., Millsboro, DE 19966 to Steve Rivers. The victim stated he recently received a letter stating he won 2.5 million dollars from Publisher's Clearing House. The letter was accompanied by a check which he was instructed to deposit. The victim was instructed to send \$6,000.00 cash to Steve Rivers at the 218 Autumn Creek Lane address. The victim was instructed to place the cash in an envelope, place the envelope in a magazine, place the magazine in a bigger envelope, and place that envelope in the package to ship. The victim was uncomfortable mailing cash so he mailed a personal check for \$6,000.00 instead of cash. The victim gave Det. Carl consent to open the UPS package which contained the check.
  
13. On December 10<sup>th</sup>, 2015, Affiant interviewed Ajirotutu at Ft. Bend County. Ajirotutu was interviewed again on December 17<sup>th</sup>, 2015, in the company of his lawyer. Ajirotutu stated he was recruited by his longtime friend **EMMANUEL TOLUWALEKE OMOWAIYE** and his brother Stephen Omowaiye to retrieve packages which contained money and proceeds from lottery schemes. He started collecting packages for **EMMANUEL TOLUWALEKE OMOWAIYE** when he was a driver at FedEx and continued after he was terminated from FedEx. All of the fraudulent addresses, package tracking numbers, and information he was given was sent to him primarily by **EMMANUEL TOLUWALEKE OMOWAIYE**. Ajirotutu also spoke with Stephen Omowaiye who explained the lottery fraud scheme to him in detail. Ajirotutu was provided a cellular device by **EMMANUEL TOLUWALEKE OMOWAIYE** which they used to communicate. This phone was recovered and analyzed. Multiple texts messages were reviewed corroborating Ajirotutu's information. One of the text messages instructed Ajirotutu to deliver the money packages to his apartment at 1895 Barker-Cypress #14305, Houston, Texas. Affiant confirmed this is **EMMANUEL TOLUWALEKE OMOWAIYE's** apartment. Ajirotutu stated after delivering packages to **EMMANUEL TOLUWALEKE OMOWAIYE** he could overhear **EMMANUEL TOLUWALEKE OMOWAIYE** calling his brother Stephen Omowaiye and getting instructions on what to do with the packages. Ajirotutu was able to provide Affiant with a photograph of his friend and accomplice

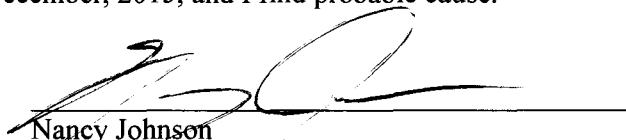
**EMMANUEL TOLUWALEKE OMOWAIYE.** Ajirrotutu stated he picked up less than 100 packages. He stated in his initial interview he did not want to provide truthful information and withheld the name **EMMANUEL TOLUWALEKE OMOWAIYE**, instead calling him "Kareem".

14. Based upon the above, the undersigned believes there is probable cause to believe that **EMMANUEL TOLUWALEKE OMOWAIYE** has committed crimes in violation of Title 18, United States Code, Sections 1341 and 1349.



Matthew S. Boyden  
United States Postal Inspector

Sworn and Subscribed to me this 19<sup>th</sup> day of December, 2015, and I find probable cause.



Nancy Johnson  
United States Magistrate Judge  
Southern District of Texas